

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION**

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STATE OF TEXAS

*Plaintiff,*

vs.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

and

JACQUELINE A. BERRIEN,  
in her official capacity as Chair of the Equal  
Employment Opportunity Commission,

*Defendants.*

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Case No. 5:13-cv-00255-C

**PLAINTIFF’S UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO REPLEAD AND/OR OPPOSE MOTION TO DISMISS**

On January 27, 2014, the Equal Employment Opportunity Commission (“EEOC”) and Jacqueline A. Berrien, the Chair of the EEOC (collectively, “Defendants”) moved to dismiss the State’s complaint for declaratory and injunctive relief. Under Federal Rule of Civil Procedure 15(a)(1)(B) and Local Rule 7.1(e), the State’s current deadline for amending its complaint as a matter of right and/or opposing the Defendants’ motion to dismiss is February 18, 2014. The State hereby moves for a 14-day extension of that deadline, to and including March 4, 2014. Defendants do **not** oppose this extension.

The requested extension is necessary because undersigned counsel are responsible for a reply brief on the merits in the United States Supreme Court in *Texas v. EPA*, No. 12-1269, which is due on February 14, 2014. Moreover, undersigned counsel will present oral argument to the Supreme Court in that case on February 24, 2014.

Counsel also have several other conflicting obligations. They include briefs on the merits in *Texas v. Penguin*, No. 14-61 (2d Cir.), *Abbott v. Waste Management of Texas, Inc.*, No. 13-0372 (Tex.), and *Texas Music Library and Research Center v. Texas Department of Transportation*, No. 13-13-00600-CV (Tex. App.—Corpus Christi); and a petition for review in *University of Texas at El Paso v. Ochoa*, No. 13-0982 (Tex.). Counsel will also be presenting oral arguments in the Supreme Court of Texas in *Patel v. Texas Department of Licensing and Regulation*, No. 12-0657, on February 27, 2014, and in the Court of Appeals for the Fourteenth District of Texas in *In re E.H.*, No. 14-13-00622-CV, on March 4, 2014.

Finally, one of undersigned counsel is awaiting the impending birth of his daughter, who was due on February 12, 2014. The requested extension will allow him to take a few days of paternity leave before amending the State's complaint or otherwise responding to Defendants' motion.

As noted above, Defendants do **not** oppose the requested extension.

## CONCLUSION

Plaintiff respectfully requests a 14-day extension of the time to amend its complaint as a matter of right under Rule 15(a)(1)(B) and/or to oppose Defendants' motion to dismiss, to and including March 4, 2014.

Respectfully submitted.

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Dated: February 13, 2014

### **CERTIFICATE OF CONFERENCE**

I conferred with counsel for the Defendants, Justin M. Sandberg, via electronic mail on February 13, 2014. Mr. Sandberg stated that Defendants have no objection to the requested 14-day extension of time.

/s/ Jonathan F. Mitchell  
Jonathan F. Mitchell

### **CERTIFICATE OF SERVICE**

I hereby certify that, on February 13, 2014, a true and correct copy of the foregoing was served by CM/ECF on:

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